

REMARKS

Claims 1-8 are pending in the application. Claims 1-2, 4, and 6-8 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,212,368 to Ramesh et al. ("Ramesh") in view of U.S. Patent No. 7,133,382 to Steudle ("Steudle") and further in view of U.S. Patent No. 6,799,026 to Scherzer et al. ("Scherzer"). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramesh in view of Steudle further in view of Scherzer and further still in view of U.S. Patent No. 7,079,507 to Toskala et al. ("Toskala"). Claim 5 is rejected over Ramesh in view of Steudle, further in view of Scherzer and further still in view of U.S. Patent No. 6,771,944 to Harano ("Harano"). Applicant traverses and respectfully requests reconsideration and withdrawal of the rejections. None of the claims have been amended hereby. A listing of the claims has been included solely for the convenience of the Examiner.

First, Applicant thanks the Examiner for the courtesies extended to Applicant's representative during the telephonic interview of June 13, 2007. As discussed at that time, Applicant requested removal of the finality of the Office Action mailed on June 8, 2007, pointing out that the new grounds of rejection therein was not necessitated by Applicant's April 6, 2007 Amendment ("April Amendment"). Applicant explained that the amendment to claim 1 in the April Amendment was made in response to rejections under 35 U.S.C. § 112 in the Office Action mailed on January 11, 2007. However, as explained in the April Amendment, the amendment was a clarifying amendment and in no way altered the scope of the claims. Thus, Applicant's amendment could not serve as the basis for the present Office Action's new grounds of rejection. After a discussion with the supervisory Examiner in the case, the Examiner instructed Applicant to file the present Response and include the present statement regarding the interview, whereupon this case would be reopened treating the present Office Action as non-final. Again, Applicant thanks the Examiner for his courtesy and time in resolving this matter.

Independent claims 1-2, 4, and 6-8 stand rejected under Ramesh in view of Steudle and further in view of Scherzer. Claim 1 recites that "the reception level measuring section measures at least one of the antennas' reception level **except the receiving and/or transmitting antenna in the**

period of time.” The Office Action alleges column 8, lines 45-61 and Fig. 7 of Ramesh disclose this limitation. Yet the Office Action admits that Ramesh does not teach “a controller [] wherein the controller temporarily interrupts transmission and reception **for a period of time** without disconnection in the data,” turning to column 1, lines 58-66 and column 3, lines 20-32 of Steudle for this limitation. Thus, as admitted by the Office Action, Ramesh does not teach that the reception level measuring section measures at least one of the antennas’ reception level except the receiving and/or transmitting antenna “in the period of time,” as claim 1 recites.

Steudle does not combine with Ramesh so as to cure this deficiency. To the contrary, Steudle teaches **maintaining** transmission and reception on one antenna while measuring reception on another antenna. At Steudle, column 1, lines 58-60, cited by the Office Action. Steudle does disclose interrupting transmission to measure reception level. However, in the paragraph preceding the Office Action’s citation, Steudle explains this signal measurement is carried out on the **same antenna** that it transmits or receives on during the transmission interruption. Hence Steudle also does not measure “at least one of the antennas’ reception level **except the receiving and/or transmitting antenna** in the period of time” as presently claimed. Steudle then explains that in a dual receiver mobile station (which usually includes antenna diversity), when one set of the transmission reception means transmits on the same frequency, the other transmission reception means performs measurements. Thus Steudle teaches that a dual-receiver mobile station does not have “a period of time” in which transmission and reception is temporarily interrupted while “the reception level measuring section measures at least one of the antennas’ reception level.” Rather, transmission and reception always occur, without interruption, on one antenna while measurements are taken on another.

Steudle, even when combined with Ramesh, does not teach a controller that “temporarily interrupts transmission and reception for a period of time” and a reception level measuring section that “measures at least one of the antennas’ reception level except the receiving and/or transmitting antenna in the period of time,” as claim 1 recites.

Accordingly, Applicant respectfully submits that independent claim 1 is presently in condition for allowance and urges reconsideration and withdrawal of the rejection thereto. As dependent claims 2, 4, and 6-8 depend from independent claim 1, and nothing in Scherzer cures the deficiency of Ramesh and Steudle as applied to independent claim 1, Applicant urges that claims 1-2, 4, and 6-8 are presently in condition for allowance and respectfully requests reconsideration and withdrawal of the rejections thereto.

Claim 3 is rejection under 35 U.S.C. § 103(a) over Ramesh in view of Steudle, further in view of Scherzer and further still in view of Toskala. Claim 5 is rejected over Ramesh in view Steudle, further in view of Scherzer, and further still in view of Harano. Claims 3 and 5 each ultimately depend from independent claim 1. As nothing in Toskala or Harano cure the deficiencies of Ramesh, Steudle, and Scherzer as applied to independent claim 1, Applicant respectfully submits that dependent claims 3 and 5 are presently in condition for allowance and urge reconsideration and withdrawal of the rejection thereto.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

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Respectfully submitted,

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